

REMARKS/ARGUMENTS

Claims 25-29, 31-37, and 39-51 are pending in the application. Claims 1-24, 38, 41, 43 and 47 have been canceled; and claims 41 and 47 are canceled herein.

The Examiner has acknowledged that claims 25-29, 31, 32, 48, 50 and 51 are directed to allowable subject matter.

Claims 36, 45 and 49 have been amended to more particularly define the position of the third sequence in relation to the first and second sequences of the vector. This amendment is supported by the examples. Claim 33 has been amended to correct a typographical error; claim 45 has been amended to correct a clerical error; and the preamble of claim 42 has been amended to reflect language suggested by the Examiner. The amendment to claim 42 is supported by the disclosure at page 23 of the specification.

I. Claim Objections

It is respectfully submitted that the amendment to claim 33 renders the objection to claims 33-35 moot.

II. Rejection of Claims 36, 37, 39-47 and 49 Under 35 U.S.C. § 112, First Paragraph

It is respectfully submitted that the amendments to claims 36, 42, 45, and 47 render the rejection of these claims and claims dependent thereon under 35 U.S.C. § 112, first paragraph moot.

It is also respectfully submitted that the amendments to claim 42, *i.e.*, to recite a method for delivering a vaccine antigen to a grazing mammal, is supported by the specification.

Cancellation of claim 47 renders rejection of this claim moot.

Application No.: 09/464,767

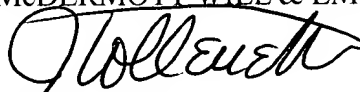
Finally, the amendment to claim 49 to change the term "plasmid" to "first nucleotide sequence" in regards to the ability of the molecule to replicate autonomously as an adenovirus, renders the rejection of this claim moot.

It is respectfully submitted that the subject application is in condition for allowance, an early notification thereof being earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fee, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Judith L. Toffenetti
Registration No. 39,048

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 JLT:ajb
Facsimile: 202.756.8087
Date: February 22, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**